

MAR 23 2004

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS JAMES W. McCORMACK, CLERK
PINE BLUFF DIVISION BY: *[Signature]*
DEP. CLERK

JOHN W. WALKER

PLAINTIFF

V.

NO. 5:03CV00120-WRW

THE CITY OF PINE BLUFF,
ARKANSAS; A Public Body
Corporate; and TERRY WAYNE GRACE

DEFENDANTS

ORDER

Pending is Plaintiff's Motion to Strike the Affirmative Defense, Directed to Separate Defendant, Terry Wayne Grace (Doc. No. 29). Defendants have responded.

Defendants raised the statute of limitations argument when the motion to amend the complaint was at issue. In the December 30, 2003 Order, I held that the statute of limitations argument failed due to the relation-back doctrine. Accordingly, the findings of fact and conclusions of law made in that Order are incorporated here, and Plaintiff's Motion to Strike the Affirmative Defense, Directed to Separate Defendant, Terry Wayne Grace is GRANTED.

IT IS SO ORDERED this 23rd day of March, 2004.

[Signature]
UNITED STATES DISTRICT JUDGE
WM. R. WILSON, JR.

THIS DOCUMENT ENTERED ON
DOCKET SHEET IN COMPLIANCE
WITH RULE 58 AND/OR 79(a) FRCP
ON 3/24/04 BY *[Signature]*

bm

UNITED STATES DISTRICT COURT
Eastern District of Arkansas
U.S. Court House
600 West Capitol, Suite 402
Little Rock, Arkansas 72201-3325

March 24, 2004

* * MAILING CERTIFICATE OF CLERK * *

Re: 5:03-cv-00120.

True and correct copies of the attached were mailed by the clerk to the following:

Ted Boswell, Esq.
Boswell, Tucker, Brewster & Smith
408 Reynolds Road
Post Office Box 798
Bryant, AR 72089-0798

John Andrew Ellis, Esq.
Boswell, Tucker, Brewster & Smith
408 Reynolds Road
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Carol B. Billings, Esq.
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200 East 8th Avenue
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Pine Bluff, AR 71601

Patricia J. Hays, Esq.
Dispute Resolution Services
2300 Andover Court
Suite 560
Little Rock, AR 72227

press

James W. McCormack, Clerk

Date: _____

BY: _____

F I L E C O P Y

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